



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 2885-99

28 July 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 29 June 1951 at age 19. Prior to the offenses for which you received a bad conduct discharge, you were convicted by three summary courts-martial. The offenses included unauthorized absences totalling two days, being incapacitated for duty, resisting apprehension, destruction of private property, and breaking restriction.

A special court-martial convened on 5 April 1953 and found you guilty of attempting to escape from custody, drunk and disorderly conduct in a public place, and assault. The court sentenced you to confinement at hard labor for six months, forfeiture of \$330, reduction to pay grade E-1, and a suspended bad conduct discharge. Subsequently, you received two more nonjudicial punishments and were convicted by two more summary courts-martial. The offenses included unauthorized absences totalling three days and destruction of private property on two occasions.

A second special court-martial convened on 6 January 1955 and found you guilty of violation of Articles 91, 92, and 95 of the

Uniform Code of Military Justice and improperly appearing without a proper uniform. The court sentenced you to confinement at hard labor for three months, reduction to pay grade E-1, and a bad conduct discharge. Subsequently, the bad conduct discharge was ordered executed. You were discharged on 2 June 1955.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the frequency of the offenses. The Board also noted that the initial sentence to a bad conduct discharge was suspended, thus giving you an opportunity to earn a better discharge. However, you continued to commit offenses, which resulted in a second bad conduct discharge being executed. Based on the foregoing, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director